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09/584,477 06/01/00 SKLAR

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EXAMINER

WM02/1220

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ART UNIT

PAPER NUMBER

2611

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/584,477

Applicant(s)  
SKLAR et al.

Examiner  
Christopher Grant

Group Art Unit  
2611

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4 and 7-12 is/are rejected.
- ☒ Claim(s) 5 and 6 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Reissue Applications*

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

The original ribboned copy of the patent has not been surrendered. See MPEP 1416.

### *Oath/Declaration*

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- (a) The declaration does not state that the inventors are joint inventor of the invention as required by 37 CFR 1.63(a) (4).
- (b) The declaration also lacks the statement “**reviewing and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration**” as required by 37 CFR 1.63 (b) (2).

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3. Claims 10-12 are rejected under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.

4. Claims 10-12 are rejected under 35 U.S.C. 251 as being an improper recapture of claimed subject matter deliberately canceled in the application for the patent upon which the present reissue is based. As stated in *Ball Corp. v. United States*, 221 USPQ 289, 295 (Fed. Cir. 1984):

The recapture rule bars the patentee from acquiring, through reissue, claims that are of the same or broader scope than those claims that were canceled from the original application.

Claim 10 is the same as or broader than claim 1 that was amended from the original application.

Claim 12 is the same as or broader than claim 8 that was amended from the original application.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka et al. (Polivka) and Rabowsky et al. (Rabowsky).

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Considering claims 10 and 12, Polivka discloses a satellite television system and corresponding method that provides television channels to each passenger on an aircraft (see figure 3A) from at least one satellite comprising the following:

- a) an antenna (265, 266) (figure 6) comprising steering means (433, 432), see col. 12, lines 17-41;
- b) antenna control means (270, 291) for providing control signals to the antenna (col. 8, lines 29-48, col. 9, lines 40-63 and col. 12, lines 17-41) and for downconverting encoded RF signals to provide downconverted RF signals; and
- c) receiver (280) (figure 3A);

Although Polivka discloses an antenna control means (270), he fails to specifically disclose (i) a modulator (ii) distribution system for distributing modulated signals to each passenger's seat, and seat electronics circuitry for demodulating, decoding and (iii) D/A converting the modulated and encoded signals into signals that are provided to each passenger's seat as recited in the claim.

Rabowsky discloses an entertainment distribution system in an aircraft comprising the following:

- (i) a modulator (96,100,104)(fig. 2);
- (ii) a distribution system (22) (fig. 1) for distributing modulated signals to each passenger's seat and
- (iii) seat electronics circuitry (VSEB 60 fig.1; detail structure in fig. 3) comprising a demodulator (116), decoder (130,131) for decoding and digital to analog converter (132, 133) and a tuner (156)(fig. 4). Rabowsky's system facilitates transmission of a large number of audio/video signals

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which is adaptable for expansion, has less wiring and minimizes expense because of fewer component parts in an aircraft. See col. figures 1-4 and col. 6, lines 21-38.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Polivka's system to include a modulator, a distribution system for distributing modulated signals to each passenger's seat and seat electronics circuitry comprising a demodulator, decoder and D/A converter, as taught by Rabowsky, for the advantages of distributing a large number of audio/video signals to each passenger, providing less wiring and minimizing expense.

7. Claims 1-2, 4, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka and Rabowsky as applied to claim 10 above, and further in view of Muhlhauser et al. (Muhlhauser).

Considering claim 11, the combined systems of Polivka and Rabowsky fails to specifically disclose left hand and right hand circularly polarized signals as recited in the claim.

Muhlhauser discloses a satellite receiver system comprising an antenna for receiving both left and right handed circular polarized RF signals. A downconverter is inherently present for frequency converting the RF signals. The advantages of Muhlhauser's system are that it is small in size, cost effective and has the ability to receive signals from different satellite systems (i.e. left hand circular polarized satellite systems as well as right hand circular polarized satellite systems). See col. 2, line 58 - col. 4, line 34 and figures 9A-9E.

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Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems Polivka and Rabowsky to include left and right hand circularly polarized RF signals, as taught by Muhlhauser, for the advantage of providing a system having the ability to receive RF signals from circularly polarized satellite transmission systems.

The limitations recited in claim 1 correspond to the limitations described above in claim 11, wherein the additionally claimed "and for feeding back the status signals to the antenna control means which are used to steer the antenna to lock it onto the RF signals received from the satellite" is met by Polivka's receiver (280K) (col. 9, lines 40-63).

Claim 2 is met by the combined systems of Polivka, Rabowsky and Muhlhauser, wherein the claimed modulator comprising a combiner is met by Rabowsky's modulator (96,100,104) comprising combiner (104).

Claim 4 is met by the combined systems of Polivka, Rabowsky and Muhlhauser, wherein the antenna controller is met by Polivka's controller (270) and the antenna interface is inherently met by Muhlhauser's circuit that receives and processes the left and right handed circular polarized signals.

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Considering claim 7, the combined systems Polivka, Rabowsky and Muhlhauser fail to specifically disclose, a mother board, receiver card, a computer processor, and flash disk as recited in the claim.

However, a mother board, receiver, a computer processor and flash disk are routine devices found in DBS or DSS receivers for the purposes of holding components, receiving, processing and storing program signals transmitted from satellite(s). Any standard video receiver must have a mother board for holding components, a receiver device for receiving signals, a processor for processing signals and a memory device for storing instructions and/or received video information.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems Polivka, Rabowsky and Muhlhauser to include a mother board, a receiver, a computer processor and flash disk for the advantages of holding components, receiving, processing and storing video programs transmitted from satellite(s).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka, Rabowsky and Muhlhauser as applied to claim 1 above, and further in view of Tagawa et al. (Tagawa).

Considering claim 3, the combined systems of Polivka Rabowsky and Muhlhauser fail to specifically disclose that the seat electronics circuitry comprises game electronics for displaying games on the display as recited in the claim.



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Tagawa discloses an entertainment system in an aircraft comprising a seat electronics circuitry (30) comprising game electronics (35d) for the advantage of providing game as another source of entertainment for individual passengers on an aircraft. See col. 5 line 55 - col. 6, line 28.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Polivka, Rabowsky and Muhlhauser to include seat electronics circuitry comprising game electronics for displaying games on the display, as taught by Tagawa, for the advantage of providing games as another choice of entertainment for individual passengers on an aircraft.

9. Claims 8-9 and 12 (alternatively) are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka, Rabowsky and Muhlhauser.

Considering claims 8 and 12, Polivka discloses a satellite television system that provides live television programming to passengers on an aircraft (see figure 3A). Note the following:

- a) steering step is performed by an antenna (265, 266) (figure 6) comprising steering means (433, 432), see col. 12, lines 17-41;
- b) downconverting (291) (figure 3A); and
- c) processing step is performed by receiver (280-1) (figure 3A) with feedback status signal (305), see col. 9, lines 40 - 63.

Polivka fails to specifically disclose the following steps:

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- i) left and right hand circularly polarized RF signals;
- ii) modulating, distributing modulated and encoded video and audio signals, receiving the modulated and encoded video and audio signals at seat electronics circuitry, and demodulating, decoding and D/A converting the modulated and encoded video and audio signals at the seat as recited in the claim.

Muhlhauser discloses a satellite receiver system comprising an antenna for receiving both left and right handed circular polarized RF signals. The advantages of Muhlhauser's system are that it has the ability to receive signals from plural and/or different satellite systems (i.e. left hand circular polarized satellite systems as well as right hand circular polarized satellite systems). See col. 2, line 58 - col. 4, line 34 and figures 9A-9E.

Rabowsky discloses an entertainment distribution system in an aircraft comprising the following:

- a) a modulator (96,100,104)(fig. 2) for modulating;
- b) a video and audio distribution system (22) (fig. 1) for distributing modulated signals to each passenger's seat and
- c) seat electronics circuitry (VSEB (60) fig.1; detail structure in fig. 3) for receiving modulated and encoded video and audio signals comprising a demodulator (116), decoder (130,131) and a digital to analog converter (132, 133). Rabowsky's system facilitates transmission of a large number of audio/video signals which is adaptable for expansion, has less wiring and minimizes

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expense because of fewer component parts in an aircraft. See col. figures 1-4 and col. 6, lines 21-38.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Polivka's system to include left and right hand circularly polarized RF signals, as taught by Muhlhauser, for the advantage of providing a system having the ability to receive RF signals from circularly polarized satellite transmission systems.

Further, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Polivka and Muhlhauser to include modulating, distributing modulated and encoded video and audio signals, receiving the modulated and encoded video and audio signals at seat electronics circuitry, and demodulating, decoding and D/A converting the modulated and encoded video and audio signals at the seat, as taught by Rabowsky, for the advantages of distributing a large number of audio/video signals to each passenger, providing less wiring and minimizing expense.

Claim 9 is met by the combined systems of Polivka, Muhlhauser and Rabowsky, wherein the step of generating signals derived from the downconverted signal to steer the antenna and lock it onto the RF signals received from satellite are specifically met by Polivka's steering discussed in col. 12, lines 17-41 and downconverting of polarized signals discussed by Muhlhauser.

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*Allowable Subject Matter*

10. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Note to applicant*

11. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.121(b).

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scribner et al. disclose distributing audio/video programs in an airplane.

Margis and Tangonan each disclose distributing audio/video programs received from satellite in an airplane.

Lalezari discloses circular polarized RF signals.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



**Christopher Grant**  
**Primary Examiner**  
**December 12, 2000**